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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

RON THOMAS,

Plaintiff,

VS.

CAPITAL ONE

And

EQUIFAX INFORMATION SERVICES, LLC

and

EXPERIAN INFORMATION SOLUTIONS, INC.,

Defendants.

: CASE NO. : **CV 04-2347**
:
: COMPLAINT
:
: FAIR CREDIT REPORTING ACT
: 15 USCA 1681 ET SEQ.
:
: JURY TRIAL
: DEMANDED

PLAINTIFF'S OBJECTINS TO EQUIFAX INFORMATION


SERVICES, LLC'S MOTION TO DISMISS

Plaintiff **RON THOMAS**, moves the Court to deny defendant's EQUIFAX INFORMATION SERVICES, LLC, motion to dismiss, pursuant to Fed. R. Civ. Proc. 12 (b)(6), 28 U.S.C.A. If a complaint is ambiguous or does not contain sufficient information to allow a responsive pleading to be framed, the proper remedy is a motion for a more definite statement under Rule 12(e).

A motion to dismiss under rule 12(b)(6) "is viewed with disfavor and is rarely granted. *Kaiser Aluminum & Chem. Sales v. Avondale Shipyards*, 677 F.2d 1045, 1050 (5th Cir. 1982). The complaint must be liberally construed in favor of the plaintiff, and all facts pleaded in the complaint must be taken as true. *Campbell v. Wells Fargo Bank*, 781 F.2d 440, 442 (5th Cir. 1986). The district court may not dismiss a complaint under Rule

12(b)(6) "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of this claim which would entitle him to relief." *Conley v Gibson*, 355 U.S. 41,45-46 (5th Cir. 1995). The standard of review under Rule 12(b)(6) has been summarized as follows: "The question therefore is whether in the light most favorable to the plaintiff and with every doubt resolved in his behalf, the complaint states any valid claim for relief." Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure*, 1357, at 601 (1969).

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served on all counsel of record by U.S. mail postage paid or facsimile on this 18th day of February, 2005.


G. COLEMAN LEE